VOX DEI:

INIVSTICE CAST AND CONDEMNED:

In a Sermon preached the twentieth of *March* 1622. At the Aſsiſes holden in S^t. *Edmunds Bury* in *Suffolke*.

By THOMAS SCOT Batchelar in Diuinity, and Miniſter of the Word at S. *Clements* in *Ipſwitch*.

Iſa. 5. verſe 20.

Woe to them that call good euill, and euill good.

Greg. Mag. in Ezech.

Nihil ad dicendum veritate facilius.

LONDON,
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XUM

TO THE RIGHT HONONRABLE AND TRVELY NOBLE William Earle of *Pembroke*, all happinesse, Externall, Internall, Eternall.

Right Honourable,

His age is by them whose pen haue a gift of continencie accoũted the scribling age, and therefore he that appeares in print

had needs bee vshered with a good apology; yet doe I pleade for this my doing, neyther importunity of friends, nor feare of imperfect copies, nor any other of those threadbare excuses, whereby so many (as may bee feared) haue lyed to the world. Neither would I consent that any other should publish my sermon as without my consent, and so commit a modest hypocrisie: but ouerstriding aldiscouragements, I hoped it might (if not please) yet profit, the first of my aimes: The next was to do your Honour some seruice, wherein I haue beene too too much defectiue, sauing in my daily prayers: wherein still I humbly crane, that this little one may liue by your protection, and your true noblenesse by Gods, and your owne pious vertue: and that I may still rest

Your Honours most deuoted
seruant and Chaplaine,

Thomas Scot.

XUM

Iniuſtice caſt and condemned.

Prou. 17. 15.

He that iuſtifieth the wicked, and he that condemneth the iuſt, euen they both are an abomination to the Lord.

THe writings of *Salomon* are ranked by S. *Hierome* into three ſorts, his *Ethicks*, his *Phyſickes*, his *Metaphyſicks*: in the firſt he is an *Inſtructer*, giuing wholeſome precepts of Morality, a diuine and ſpirituall *Hippocrates*: in the ſecond he is a

Preacher, his text is, *Vanitie of vanities*, all is vanity; in handling whereof he ſearcheth and vndoeth the knot of all cauſes, a diuine *Philoſopher*: in the third, hee is a *Triumpher*, reioycing in and diſcourſing of the myſteries 'tweene Chriſt and his Church, vnder the comforts and beauties of an externall marriage, an heauenly *Poet*.

In his *Ethicks* (this booke of the *Prouerbs*) he doth not ſo ſtrictly hold himſelfe to that ſubiect, but that they bee now and then daſhed with ſome other arts, as the *Politicks*, and *Oeconomicks*; as in this verſe I haue read, wherein he toucheth vpon a point of ſtate and gouernment.

And whereas it is generally conceiued that the Prouerbes of *Salomon* are ſo many ſelect Aphoriſmes, or ſentences *Subſtantiue*, each one ſtanding by himſelfe without

without any mutual dependance one vpon another, ſo that to ſeeke a coherence were to vndertake the making a rope of ſand, or to force a marriage betweene vnwilling parties; it muſt muſt bee confeſſed, that they bee not euer ſo ſutably ſorted, but that many of them know not their neereſt neighbours, they being ſtrangers in ſenſe, and argument.

Yet for all that are they not ſuch ſhreddes nor ſo confuſedly ſhuffled together, but ſometime one may ſee a ſpecial care in their placing, as in this with the foregoing verſe, in both which hee takes order for peace; in the firſt labouring to preuent, in this to heale and cure contentions. In the firſt his counſell is excellent, to withſtand beginnings, comparing the beginning of ſuites to the breaches and ouerflowings of waters, telling them thereby, that

that the law is coſtly and dange-
rous, for ſo are water-breaches,
coſtly for their greatnes, dange-
rous for their cruelty, therefore
contention compared alſo to fire,
*Pro.*26.21. They therefore who
make way to ſuites had as good
cut open the ſea bankes in their
Marſhes, or thruſt firebrands into
the thatch of their houſes: there-
fore ere the Contention be med-
led with, leaue off, ſaith *Salomon*:
as if he ſhould ſay, Plaintiffe be-
gin not, Defendant ioyne not
iſſue. But if you will needes ſet
open theſe floud-gates, and play
with this fire, ſo that there muſt
be ſuites, then his next counſell is
in this verſe, that this wound and
rent ſeeing it cannot bee preuen-
ted, may yet bee without a ſcarre
fairely healed, turning himſelfe
therfore to thoſe to whom Iudg-
ment in ſuch caſes is committed,
he exhorts them to do righteous
iudgment,

iudgement, neither to goe on the left hand to condemne the iuſt, nor on the right hand, to iuſtifie the wicked; that they call not good euill, nor euill good, leaſt they anger the moſt High, and become an abomination to him, *For hee that iuſtifieth the wicked &c.*

In which wordes there is a ſinner indicted or arraigned, and then his ſentence pronounced: The ſinner is the violater of iuſtice, whoſe name hath euer beene ſacred, and obſeruation the mainteyner of States, and the contrary the deſtroyer of the ſame. More particularly, the ſinner is (that hee may bee the better knowne) layd open by *Salomon*: firſt, by the indefinitneſſe of his perſon: *He* that iuſtifieth, and *he* that condemneth, amounting vpon the matter to a generall; for where none bee excepted

excepted, all are included: *He*, that is to say, whatsoeuer he be, whether *Iudge*, or *Iuror*, *Witnesse* or *Aduocate*, *Publique* or *priuate*.

Secondly by his workes *Iustifying* and *Condemning*, which in themselues indeede are no sinnes, as no simple or naked action without circumstances is of it selfe a sinne, it being the ἀταξία which is the ἀνομία thereof: therefore least there should bee an error found in the Indictment, he is thirdly layd open by the application or misapplication rather of those actions, not setting the saddle vpon the right horse, but iustifying the wicked and condemning the *iust*.

So that the sinner here questioned is the corrupter or violater of iustice, which hee is accused to doe two wayes: first, by Iustifying the wicked; secondly, by Con-

Condemning the iuſt, which two though they ſeeme and are indeed contraryes yet are they *brethren in euill*, both wounding ſacred iuſtice, which like *Sampſons* foxes turned tayle to tayle, and looking two ſeuerall wayes as if they had contrary intendments; yet they both agree in Combuſtion of State, and violation of truth and Iuſtice.

And as they bee thus in *culpa non diuerſi*, brethren in euill; ſo alſo they ſhalbe in *pœna non diuiſi* partners in puniſhment, for *euen they both an are abomination to the Lord*, which is the *ſentence* & ſecond part of the text. And thus you haue the ſumme and ſcope of the wordes.

That this ſinner may bee the better indicted, and ſo the more iuſtly ſentenced, we will, firſt, explaine theſe termes of *Iuſtifying*, and *Condemning*, ſecondly, ſhew how

how many wayes this ſinne of iuſtifying the wicked, and condemning the iuſt is committed: thirdly, that not onely to condemne the iuſt, (graunted by all) is a ſinne, but alſo to iuſtifie the wicked, which is doubted by ſome.

1. *Iuſtificare* in the Latine ſound, ſeemes to ſignifie to make iuſt, like wordes of the ſame forme, as *Magnificare*, *ſanctificare* and the like; and ſo the Schole-men and Papiſts vnderſtand it and bitterly contend in it: but wee learne the force of this word of Saint *Paul*, who vſeth it not according to the Latine ſound but Hebrew acception, wherein hee was brought vp: and that wee may not delay in a caſe ſo cleere, it is vſed by him, ſpeaking of the maine point betweene God and vs, not to *Make*, but to *Pronounce iuſt*: not that the moſt iuſt God doth

doth iuſtifie any, that is, pronounce any iuſt, who is not made iuſt, and whom alſo he hath not made Iuſt; but that the iuſtified is not ſo made by any reall immutation of qualities, but by pardon; for vnto ſinne and euill deeds not new qualities, but pardon and abſolution is the next and proper remedie: Nay I may further adde and maintaine, that in all the Scripture this word *Iuſtifie* doth ſignifie nothing elſe but to pronounce iuſt; and to giue it the force of making really iuſt (as Schoole-men and Papiſts for their ends contend) ſometimes wil proue impoſſible, many times abſurd, alwayes vntrue. And the place is the more remarkeable becauſe it lends light to other texts; for to *iuſtifie* muſt of force in this place ſignify to *Pronounce*, and not really or truely to make iuſt: for hee that

ſhould

ſhould worke ſuch an effect vpon a wicked man, as truly to *make him iuſt*, ſhould moſt vniuſtly be an abomination to the Lord.

This is alſo further cleered by the contrary terme here of *Condemning*, which being a word of the ſame forme in the Hebrew, muſt alſo haue the ſame force; and therefore ſhould bee turned if the ſame Language would beare it, *Impiificare* or *Improbificare*, which ſound's *to make wicked* (as the other *to make Iuſt*,) which no man can doe; nay God himſelfe cannot make a man truly iuſt to become really wicked: it muſt ſignifie therefore *to pronounce wicked*.

So that the cloake of ambiguitie being taken from him, the ſinner againſt whom we proceed ſtands naked before you, appearing to bee ſuch as you ſee, one that pronounceth the wicked to be

bee iuſt, and the iuſt to bee wicked.

2. Which is done either priuately or publiquely, Priuately by two euill beaſts, the flatterer and backbitter: The flatterer is a tame beaſt much delighted in by great ones, who by this meanes haue little acquaintance with truth: Hee is alwayes readie to ſlight and extenuate the groſſe euills of Princes and his great Maſter, and for their lighter defects, he prayſes them for great eminencies and excellent graces: hee is like the herbe *Heliotropium* that turnes it ſelfe from Eaſt to Weſt to follow the ſun: *ais? aio: negis? nego:* If the great man denyes, he dares not affirme; but if his Lord affirme, then he muſt ſweare: like diuerſe other flowers which ſo long as the Sunne ſhines vpon them they open, but ſhut ſo ſoone as hee with-

drawes his beames. Theſe are dangerous iuſtifiers of the wicked; for through their complacency and oylie wordes, they praiſe men vnto death in their ſinnes.

The backbiter is a beaſt, not ſo familiar and fawning as the former, but more churliſh and melancholy; therefore lurkes in holes and corners: and as ſharpe windes cut moſt in narrow lanes, ſo this vermin hurt's not but ſecretly; and then hee is euery where vpon his iudgement ſeat, paſſing ſentence and giuing verdicts vpon the iuſt, and innocent man: either with lyes accuſing him of things neuer done, or elſe through malice deprauing things by him well done: This is alſo a dangerous condemner of the iuſt, both becauſe through his peeuiſh ſecrecy the wound cannot be preuented, and by reaſon

ſon of the poyſoned weapon, the balſome of Innocencie it ſelfe without a ſcarre, cannot heale it.

But flatterer and backbiter though worthy of ſeuereſt iudgement, yet for this time ſtand by: you cannot be tryed at this Aſſiſes, for we haſten to the more publique commiſſion of this ſin, here as I thinke chiefly intended: which muſt bee diuerſly conſidered according to the varietie of perſons, by whom it may bee committed, which are principally, the Iudge, the Witneſſes, the Aduocate, the Iury.

The Iudge commits this ſinne firſt, and moſt highly in giuing a falſe ſentence, not according to the truth of the cauſe, either comming beforehand (whatſoeuer the allegations bee) with a premeditated ſentence, as the Elders and Nobles of *Izreel* againſt *Naboath*; or elſe leading

the Iury, that vnder that colour he may effect his deſire. But if a Iudge proceed's alwayes *ſecundum allegata & probata*, hee knowes hee ſhall ſometimes in ſtrict obſeruance of iuſtice doe the greateſt iniuſtice. What a Iudge may doe in this caſe I am not able to determine, but ſurely a good Iudge, as ſayth *Ambr. ſicut audit ita iudicat*: not hauing power of making or altering Lawes, but of iudgeing, and that not *de lege*, but *ſecundum legem*. But here note a difference betweene diuine & humane lawes, and how farre *Solon* and *Lycurgus* and all other muſt giue place to the ſacred Lawgiuer, whoſe generall Statutes may all bee kept inviolable without the preiudice of any particular, which could neuer be atteyned by the wiſedome of any man; and therefore we haue our *Chauncerjes* to come

come after and mend the faults, and mitigate the rigors of Law, although the remedy ſometime hath beene worſe then the diſeaſe.

2. The Iudge may alſo commit this ſinne by delaying of a iuſt ſentence, not daring for ſhame or *Præmunire* to condemne the iuſt, nor being willing through corruption to iuſtifie him; This doth alſo amount to a Iuſtifying the wicked, and condemning the iuſt; for ſo long as ſentence is cauſeleſly deferred, ſo long the iuſt may be accompted wicked, and the wicked iuſt.

3. By not executing a ſentence iuſtly giuen, which God ſtrictly lookes after: therefore the ſame word in Hebrew ſignifieth both fault and puniſhment, to ſhew that none ſhould be without puniſhment but he that's without fault. Hence it is alſo that the

Lord when in the third commandement he threatens puniſhment to the takers of his name in vaine, he ſaith no more, but *I will not hold him guiltleſſe*, intimating that guilt ſhould draw on puniſhment, and that the one ſhould tread on the heeles of the other.

II. The witneſſe alſo commits this ſinne more waies then one: Firſt, by the maine breach in giuing a falſe teſtimony, like thoſe wicked men ſet before *Naboath*; theſe were knights of the poſt, which though found in *Izreel* and were fit inſtruments for Idolatrous *Achab* and *Iezebel* (as Æquiuocation and mentall reſeruation for Papiſts) yet alas that ſuch ſhould be found in a Chriſtian Commō-wealth: ſuch call God himſelfe to witneſſe when they ſpeake, and ſhould be to Iudge and Iury in ſtead of God to direct Iuſtice; but by their

their falſe teſtimony are to them and to the innocent alſo *Sathans*, that is, accuſers and deceiuers. Secondly, though not by falſifying their words, yet by peruerting their meaning and making them beare other ſenſe in their tranſlation then they did in the firſt originall, as thoſe who teſtified againſt our Lord *Ieſus*, who ſpake no other words then Chriſt did, but ſpake them otherwiſe, yet are called falſe witneſſes; who onely after triall of many were found to ſpeake home enough & to the purpoſe. Thirdly, by concealiug part or all the truth, or by not cleering the innocency of any when they may. It is worthy our imitation and reſolution, which is reported of S. *Auguſtine* by *Poſſidonius*, that (in ſo hard a choice) he had rather loſe his friend then conceale the truth: All theſe are to

truth and Iuſtice, as Traytors are to coyne; the two former counterfeit, the latter onely clip's, but all deceiue the ſubiect.

III. Next by profeſſors of both the Lawes, knowne by their ſeuerall titles, in whoſe perſons Innocency & Iuſtice make their appearance in Court by their *Proctor*.

1. Who doe this ſinne firſt by pleading ill cauſes, caſting miſts before mens eyes, making ill ſeeme good, and good euill; ſetting faire pretexts on foule matters, putting a great ſhooe vpon a little foot, and an orient gloſſe vpon a ſullied cauſe; who in a word, can alter the Caſe, and ſtretch or ſhrinke the law at pleaſure, and make it hold what length they liſt: like to that *Byzantine* Lawyer, who being aſked what the law was in ſuch a caſe, anſwered, *Prout ego volo.*

2. By

2. By vnneceſſary and wilfull delaying and ſpinning out ſuites by ſome odde quirk or cauſeleſſe demurre; or ſeeking to diſmay witneſſes, eaſily daunted in an vnwonted preſence, and ſo to weaken and ſtop their teſtimony, as the wicked doe their conſciences, which otherwiſe would tell the truth.

IIII. By Iurors that ſet themſelues to acquite them whom they know guilty, and to find for him whom they moſt affect, working and labouring their more tender conſcioned fellows to their parties, who for neighbourhood ſake, after ſome ſtanding out, at laſt do euery one become *M. Flexible*, & ſo trying the perſon and not the cauſe, they bring in a verdict, cleane contrary to the name it carryes, and ſo lay a ground to ſtaine the iudgement ſeat. Here alſo is a roome for thoſe

thoſe that return the Iuryes, who by their ſhuffling can ſo packe a Iury, that whereſoeuer you cut, and whatſoeuer the cauſe bee, it comming to be tryed by ſuch a packt Iury, they ſhall cleere the malefactor if on life and death, or finde eyther for plaintiffe or defendant as occaſion ſerueth.

Thus many wayes is Iuſtice violated, the offender appearing ſometimes in the perſon of a Iudge, other times of a witneſſe, now of a Lawyer, anon of a Iuror (neuer himſelfe) by his cheater-like variety of habits, giuing iuſt occaſion of ſuſpition.

The third thing to be diſcuſſed in the tryall of the ſinner is, whether the Iuſtifier of the wicked be a ſinner alſo, for he pleads, not guilty, and deſires not to bee ſo ſeuerely cenſured, as the Condemner of the Iuſt, which al men abhorre; and if he cannot obtaine

to

to bee excuſed *à toto*, yet hee hopes at leaſt, *à tanto*. The truth is, that all condemne the condemning an Innocent; but to dawbe and plaiſter a wicked mans cauſe, to helpe a drunkard out of the briers, is holden but a neighbourly and friendly part: but to meet with this obiection, as they are here found together, ſo they bee ſentenced together, for both of them doe ſwerue from the ſtraight rule of Iuſtice, and he that leaues his way doth erre as well on the right hand as on the left. Moreouer, both doe pull downe Gods Iudgement vpon a Land, and kindle Gods wrath, for euen the *Philoſopher* could ſay, that that Common wealth could not ſtand long where not onely rewards, but puniſhments alſo bee not duely beſtowed: to cleere the offender, alſo hurts his ſoule, debarring him

him from the medicine of it, for *ipsi absoluti fere semper sunt deteriores*, offenders seldome amend by escaping iust punishment. Therefore the Iustifier of the wicked deales like a murtherer vnder the name of a Physitian; like the good witch (as they are tearmed) that cures the body peraduenture, but wounds the soule: beside the encouragement which other wicked will take thereby; for by such impunity sinne is brought into credite, and others doe deeme thereby a license or commission sealed to them of doing the like sins without feare or reproach. The Magistrate may better turne loose many Beares, Lyons, or Tygers into a throng of men, and with lesse danger, then one offender without punishment.

And although the good Emperour had rather many guilty ones

ones ſhould eſcape, then one innocent periſh, I ſuppoſe he meant in caſes doubtfull, where indeed it is ſafer to incline that way; but to iuſtifie the wicked who is ſo conuicted, muſt needs be a voluntary, and ſo a ſinne with an high hand: but to condemne one that haply may bee guilty, yet cannot be ſo conuinced, were as great a ſinne, ſeeing he is to bee taken for iuſt who cannot bee conuicted wicked, it being al one in ſuch caſes not to be, and not to appeare to bee. Where alſo ſome obiect that God doth iuſtifie the wicked, and yet ſinneth not, it is to be conceiued, that God doth ir not *quatenus talis*, but firſt makes him iuſt; ſecondly, paies the price and ſo ſatisfies iuſtice: thirdly, giues alſo another minde for time to come; all which if any can do, he may alſo iuſtifie the wicked without controll.

But

But yet is not purblind reaſon quiet, but demands further; Muſt we adore Iuſtice ſo as that Mercy be vtterly neglected? But religion anſwers, that we in vaine goe about to ſet variance betweene Mercy and Iuſtice; they are no ſuch oppoſites as is thought, for they kiſſe and embrace each other; yea, that is no true mercy which is vniuſt, nor that good iuſtice which is cruell. Yet further, it may well be conceiued, that ſhewing mercy doth properly belong to ſupreme and not to ſubordinate Magiſtracy: for howſoeuer before lawes were eſtabliſh't, Kings in perſon did vſe to ſit in Iudgement, yet in aftertime it was not thought ſo fit, becauſe either they would be too ready to ſhew mercy (the offences being moſt what againſt themſelues) as *Cæſar* to *Ligarius*, and *Ageſilaus* to *Nicias*, whom *Plutarch*

Plutarch ſo much reprehends,) or elſe if they ſhould proſecute without mercy, it might pull on them the enuy of ſubiects: and from hence (beſide the multiplicity of affaires) reaſon of State hath wiſely aduiſed that Kings ſhoud execute Iuſtice, and all other workes of ſeuerity by others who may therein without enuie be faithfull to their Maiſter; but all ſuch actions as procure loue, as giuing preferments, offices, honors, and ſhewing mercy, they reſerue to themſelues. But to ſhut vp this point, if any will wound iuſtice, and icoparde a ioynt to iuſtifie the wicked, I will not truſt him for condemning the iuſt: for letting looſe *Barrabas* the murtherer, and condemning *Chriſt* the righteous, moſt what doe goe together.

But yet if any doubt, by this time the verdict and ſentence is ready

2. The ſentence.

ready which will end the controuerſie; for ſaith *Salomon, Euen they both are an abomination to the Lord:* This is his Iudgement, which the more wee conſider, the more heauy it is. 1. Abhominable, 2. nay abomination in the abſtract, 3. and that not with men but with God: if onely diſliked, refuſed, or reiected, it were much; but to be abominable, yea *abominatio*, ſuch as one would turne from *tanquam ab omine triſti*, as the word imports, this is to bee miſerable with an *Emphaſis*. God not onely not knowes ſuch (and they had better neuer to haue beene, then not to haue beene knowne by him) but they are odious to him; as wee turne our ſight from ſuch things as we loath: and as *Alexander Seuerus* was wont when hee but beheld a briber, to haue his colour and ſtomacke riſe, ſo God

turnes

turnes his ſight from the vniuſt perſon, for he is an abomination to him: what, to the Lord? if to euill men onely (although one would be loath to make himſelfe odious to all euill ones) yet then had he God and good men to flye to: Nay, were he ſo to good men alſo, yet becauſe they were men they might be in Error, and God might reuerſe ſuch a ſentence by a *writ* of *Error*: but alas not with men but with *God* alſo; who ſhall now ſtand vp for him? who ſhall appeare in his behalfe? Indeede if *God iuſtifie who ſhall condemne?* but if he condemne who ſhall iuſtifie? if the King fauour, the enuy of the courtyers cannot harme, but if hee frowne, their loue cannot ſecure.

And yet further this ſentence toucheth not onely their works, but their *perſons alſo*. For as *Dauid* ſaith of Idols, *They that make*

them are like vnto them; ſo ſaith *Salomon* of theſe, not onely the *workes* but the *workers* alſo are an *abhomination*: whence it comes that all they but touch is ſo too; their thoughts, their ſacrifice, their way, their prayers, and all are an abomination.

And yet not a *ſingle*, but a *double abomination*: for *he* that iuſtifieth the wicked is an *abomination*, and *he* that condemneth the iuſt *is as much*: for, *Euen they both are an abomination*, ſaith *Salomon*.

But is this the caſe of the violater of iuſtice onely? are none in the ſame condemnation but he? Yes, for we finde in the ſame *prædicament*, the *ſcorner*, the *euill heart*, the *falſe meaſure*, the *lying lips*, the *way of the wicked*, the *proud poore man*, the *Idolater* with a rabble more of that kind. What a *blacke guard* is here? fit for *Pluto* himſelfe. *Qui non ex ſe dig-*

noſcitur

noſcitur ex ſocio: if he could carry himſelfe ſo ſlylie that hee could not be diſcerned, yet his company would bewray him, he being linked with ſuch that it were litle leſſe then an hell to be in heauen with them: Hee is not indeede alone, but of this company hee can haue neither credite nor comfort. Well, it is an heauy ſentence but a inſt, for hee that ſaith to the wicked, Thou art righteous, him ſhall the people curſe.

Now if *vox populi* be *vox Dei*, then *He* muſt of neceſſity bee abomination to God who is curſed of the People; therefore many woes are euery where in the Scripture pronounced againſt him. Moreouer, hee condemnes the Law of God, and God himſelfe too who iuſtifies the good whom this man condemnes, and condemnes the wicked whom

he iuſtifies.

Application. Thus hath the ſinner beene *arraigned*, and now is hee alſo as you ſee *ſentenced*; giue mee leaue therfore (as they vſe to men condemned) to giue the ſinner a litle ghoſtly coũſel, which I would do in a word or two of application, and ſo conclude. And leſt it be ſaid of my exhortation as it was of his lawes, that they were like ſpiders webs catching none but flyes; giue me leaue my moſt *Honoured Lords*, who ſit at the ſterne of this weighty action in the firſt place, to addreſſe my ſelfe to your Honors; I take not vpon me, eyther to teach or reproue you: the one were preſumption: the other raſhneſſe; although for the latter if there were occaſion, my commiſſion would beare me out.

But giue mee leaue I beſeech you to ſpeake that which your

Honours

Honours indeede know, haue done, and will practise, but to what end? Euen to giue you your dues for time past, as also to tye a threed about the finger for a *Memento* in time to come; *Qui monet vt facias quod facis, monendo laudat,* He that admonisheth to that is done, his very admonition is a commendation; for euen as great ones oft times are highly commended for good things which they haue not done, and then the prayse hath the nature of an *Admonition*, and thus they auoide a frowne; euen so also wee often admonish them concerning the good things we know they haue done, and then the monition amounts to a *Commendation*; and this is a good way to decline flattery. *Cassidorus* reports, it was the manner in the *Roman Courts* to haue a Cryer stand vp immedi-

arely before the Iudges were to paſſe any ſentence, and with a loud voice to ſpeake vnto them, *Ne paterentur ſe ſui diſsimiles fore*, that they would doe nothing which became them not: I deſire at this time to be in ſtead of ſuch a cryer, or to doe that office to your Honours which *Philips* boy did to him, who told him no new, but a well knowne thing, but at once both put him in mind of his mortalitie, and alſo commended his care to bee remembred of it.

And in the generall, as *Paul* exhorted Maſters to doe that is iuſt to their ſeruants, becauſe they haue a *Maſter in heauen*, ſo I beſeech you to doe righteous Iudgement, becauſe you alſo haue a Iudge in heauen: Let not Iuſtice halt, let no cleere law bee violently forced, let no doubtfull law be ſiniſterly interpreted, let

no

no sentence bee without mature deliberation passed. *Plato* cal's you Physitians, and *Augustine* aptly compares offenders to peccant or Malignant humors of the body: now none but a desperate Physitian will giue Physick till hee hath well viewed the state, and considered the nature of the disease. Let not matters be huddled for dispatch: Oh the life of a man is a great matter, and a mans whole estate not muchlesse, there being no great difference betweene *Nabaoth's* life and *Nabaoth's* vineyard.

Remember also I beseech you whose ministers yee are, and whose persons ye represent; for God hath communicated his name to you, *I haue said yee are Gods*, (yet gods on earth, yea gods of earth, for *ye shall dye like men*:) he hath lent you his name I say, that yee might resemble

him in nature; and as *Lucian* notes of Stage-playes, if they miſact a ſeruant or a meſſenger, it is μικρον το ἁμαρτημα, a ſmall ſlip, but if they fayle in acting of *Hercules* or *Iupiter*, it is inexpiable; did you onely repreſent the Kings perſon, and were defectiue in that, it were vnanſwerable, but take heed of miſacting *Iupiter*, therefore doe nothing here but what God himſelfe would, if hee were in your place, for you are in his.

Therefore you are to bee intreated to take heed of ſuch things as doe dimme the ſight of Iudges, as of *Partialitie*; turne not to the right hand of fauour, nor the left hand of hatred, let not probable reaſons for a friend bee preferred before demonſtrations for an aduerſary; No, a *Iudge* when hee put's on his roabes, ceaſeth to bee like

ther

ther men, but puts off all perſonall reſpects, knowes no friend no kinred, no acquaintance, no *fauorite:* letters alſo of great men, & petitions & motions by friends and fauorites are ill for the ſight of a Iudge, but ſay of them all *Magis amica veritas*; I will be content to loſe that friend whom I cannot hold but with the loſſe of truth. The heady paſſion of raſh anger makes him ſtone-blind in *Philoſophy*, he is mad for the time, and therefore no way fit to determine of another mans inheritance, not being *compos mentis*, and ſo not ſufficient in law to diſpoſe his owne if he were ſicke in bed. Let Deliberation goe before Conſultation, and both before Execution. For Company alſo I name bribes (a perilous pearle in a Iudges eye) for it alone hath made many loſe their ſight.) The *Thebans* becauſe

cauſe they would not haue their Iudges eyes put out on this wiſe, pictured them with their eyes couered, their eares opened, and (to be ſure) without hands. O let worthy *Epaminondas* (by a bleſſed *Metempſychoſis*) liue in you, who though poore, refuſed great preſents, ſaying, If that you deſire be honeſt, I will doe it becauſe it's honeſt, but if not, I will not doe it for a world.

Now if there be any thing left to the diſcretion of a Iudge as it is moſt equall (or elſe you ſhould be in no better caſe then the *Athenian* Iudges, who had their *Fabas*, or the *Venetians* who had their *Globulos*, or the *Romans* who had their *Tabellas* wherein their ſentences were written, and ſo no power left to the Iudge:) but if there be any thing permitted to your Wiſedomes, ſee I beſeech you, how you may improoue

prooue it to doe God the beſt ſeruice, that is, to make vſe of it there where the honour of God is leaſt prouided for, as in that which is ſo deere to God, his *Name*. If the King be ſpoken againſt, it is high Treaſon; if a Noble man be traduced, it is puniſhable by the Statute of *Scandalum Magnatum*, and a priuate man hath his remedy by *action*; onely the Name of God though deere to him, yet not ſo tenderly regarded, but as it is moſt grieuouſly of all ſorts rent and torne by that common and needleſſe ſinne of ſwearing, ſo hath Law very ſlenderly prouided puniſhment of it: Herein your Honors might be pleaſed ſo to improue your authoritie, that ye might doe God Almightie a good office, and after a ſort (without offence) make him beholding to you.

And where there bee lawes in

in force againſt the ſinnes of the times, I beſeech you put them in execution; let there neuer bee ſuch a complaint, that there wants yet one law for the execution of the reſt.

Execution is the life and edge of the Law, without this al ſeuere and religious charges, will proue but like *Iupiters blocke* and paper-ſhot, terrible in noyſe, but harmeleſſe in euent: but our experience hath made vs formerly happy in you, and your owne loue of truth doth amply ſecure vs in time to come. Onely neuer forget in whoſe roome ye ſtand, and that ye bee fingers of that hand which gouernes all; And, *He that iuſtifieth the wicked, &c.*

In the next place I direct my ſpeech to the learned practitioners of the Law, who are the *Phyſitians* of the *body Politique*, but now let mee take heed I ſpeake nothing

nothing will beare an *action* of Exception, I quarrell not with your calling, I hold it not onely lawfull, but needfull, yea honorable: I complaine not of your multitude, nor enuy I your rising and greatnesse, nor shall I speake out of any priuate grudge to any, for I thanke God I can speake neither good nor euill by mine own experience of any of you; neither in truth doe I approoue the practise of the *Siciones*, whose Embassador told King *Ptolome* (inquiring the state of their Common-wealth) that they maintained no Physitians who corrupted health, nor Lawyers that disguised the truth; much lesse that of Pope *Nicholas* the third, who thrust all the practitioners of law out of *Rome*, saying they liued on the bloud of the people.

And yet I cannot but meruaile, seeing the hardnes of the times hath

hath bound men to the peace, that some of you bee heard (like tradsmē on a wet faire day) to cōplaine of a bad market, a small Assises, a few *Nisi prius*es: is peace on Earth so vnwelcome, it being the best thing the Angels brought from heauen to earth, and that Christ left his Disciples when hee went from earth to heauen, as if the Physitian should repine that his Patient mends? But doth not this more then euidently declare that manie of you are birds of the prey, & that ye can not liue but in troubled waters?

Manie of you haue excellent parts of learning; and speech improoue these for the Widdow, and the Orphan, and for them in *forma pauperis*, (but these are as welcome as *Lazarus* to *Dives*.) Howsoeuer and whosoeuer pay the fee, be sure ye bee seruants to *Law* and *Iustice*; pleade no bad causes

cauſes, lett not out your ſelues to falſhood for a fee. God gaue you not thoſe abilities of nature, manured by breeding and education, to colour iniquitie withall; Oh what pitie it is to vſe ſo good ſtuffe in dying ſo falſe colours? And what will yee pleade when God comes to reckon with you for your Talents? Neither gaining (with the beſt) nor yet (with the worſt) hiding: but (which is farre more intolerable) abuſing them to your Maſters diſaduantage.

I can but wonder (except in ſome doubtfull and rare caſe) that anie Lawyer ſhould faile if the caſe be put right, & as much that anie Client ſhould proceed, vnleſſe encouraged and warranted by his Counſell: yet of foure ſcore *Niſi prius-es* not one goes away for want of Counſell of either ſide, and yet I am ſure the one

one halfe are in Errour, and muſt ſpeake for it; how much better ſhould you deſerue your fee, to deale as plainely as the honeſt Phyſitian with a deſperate ſicke man, and tell him his caſe is *irrecouerable*? Therefore vayne it is to trouble himſelfe and ſpend his money, and thus to caſt cold water vpon the fire of Contention, which you ſeeme indeed to doe; but experience ſhewes, that ſome of you bring not water to put it out, but oyle to increaſe it, and ſo (like bad helpes at an houſe on fire) in that *hurly-burly* ſerue your owne ends.

I hope here be none heare me that wilbe reteined on both ſides, & ſo take a fee and a fee, or rather a fee and a bribe, and then (as *Æſchines* ſometime twitted *Demoſthenes*,) like that part of the ballance incline to that partie from whence it receiued moſt, which

which will ſoone turne either way becauſe it's *gold weight.*

I hope alſo here be none to be found guilty of that imputation, which *Hildebert* Biſhop of *Ments* ſometime laid vpon the Roman Lawyers; Imploy them and they will delay you, imploy them not and they will hinder you; no, let this be as farre from our as *Rome* is from *England.* And it were to be wiſhed that *Cato's* aduiſe were in vſe among vs, that none ſhould bee called to the barre who are eloquent in bad cauſes: ſurely it will bee but a poore excuſe another day to ſay I ſpake for my fee, and therefore muſt make *candida de nigris & de candentibus atra,* ſomething of nothing. For your fee? May I not ſay as our Sauiour in another caſe, *Verily you haue your reward:* For your fee?

Is not this with *Balaam* to earne the *wages* of *vnrighteouſneſſe*, and little leſſe then with *Achab* to *ſell your ſelues to worke wickednesse?* When *Baſſianus* had ſlaine his brother and Co-emperour *Geta* in their mothers armes, he intreated *Papinianus* a famous Lawyer to pleade his excuſe, whoſe Noble anſwere I commend to all of his profeſſion; *Non tam facile eſt excuſare quàm facere fratri-cidium*, It's eaſier to doe wickedly then to excuſe wickednesſe; No, thou maieſt commaund my necke to the blocke, but not my tongue to the barre.

Take heede alſo of theſe needleſſe delayes which prolong ſuites, as ill ſurgeons doe cures when they heale (for their profit) too faſt: I would there were ſuch a Law with vs as was in France

France, that all ſuites ſhould end within the yeere, but heere one ſuite will laſt many yeeres although it bee worne euery Terme. If all ſuch Demurrers had ſuch a Iudge as was *Galeace* Duke of Millaine, who cauſed one to bee hang'd for his delatory pleas in a manifeſt and cleere debt, it would bee much auayleable to iuſtice; but theſe delayes are to the client like exquiſite torments, which cauſe the tormented to dye often in one death. And indeede thoſe among you in this reſpect make more aduantage of time then the greateſt vſurers, who onely ſell *forbearaunce*, but you make your profit both of *delayes* and of *Expedition* too.

As for all other trickes and windings of iniuſtice, as to ſtop witneſſes, to outface truth with

breaking of ieſts, with a number of ſuch inuentions to plucke your Clients like geeſe, leauing them naked to feather your owne neſts; let them bee held vnworthy of free and ingenuous ſpirits, and bee left to men vnworthy, hauing neither law nor conſcience, and therefore muſt ſell ſuch as they haue for the fee.

Your Profeſſion is honourable; vſe it ſo then, in reſpect of *God*, to promote his honour; in reſpect of your *Countrey*, for *iuſtice exalteth a nation*; in reſpect of your ſelues, for Integritie hono'rs you more then your places; in reſpect of your poſteritie that your Honour may bee laſting, leſt you beginne your houſe, and your ſonnes end it; for an houſe built of *Powlings* and oppreſſions cannot ſtand long

long, but like the *Treasurer Shebna's*, who comming vp of nothing thought to make himselfe Immortall by his famous sepulcher, but was swept away like dung and dyed miserably among the *Assyrians*: And thus doth the Lord sweepe such houses with the *beesome of destruction*. But put case they should continue, & that they should *call their lands after their names*, yet *enuy not the oppressor*, and *chuse none of his wayes*; for alas what is it to leaue his posteritie great, and himselfe dye abhorred of God? For, *Hee that iustifieth &c.*

And now as I goe I must also call to the Worshipfull vpon the Bench, intreating that none of them doe vse his power at home, or his grace with the Iudge here, to the maintenance or Counte-

nance of any wicked man, to hold vp any diſorderly Ale-houſe againſt the beſt diſpoſed in a towne, who finde the inconuenience in children and ſeruants.

Let him not ſeeke to curbe or cruſh any honeſt neighbour that (as he thinkes) ſtoopes not enough to him, nor doe anie ill office to any good man, becauſe he gratified him not at *New yeare*. let him not ſmother any drunkenneſſe, whoredome, or any other lewdnes, though in ſome of his *tenants* or *reteiners*: In a word let him not ſtand vp all this Aſſiſes to ſpeake or bee ſeene in a bad cauſe, leaſt ſeeking to make himſelfe great in his Countrey, hee makes himſelfe odious to God. For *He that iuſtifies, &c.*

And laſtly *Witneſſes* and *Iurors* are to bee exhorted that they would make more conſcience of an oath, in it ſelfe ſo ſacred

cred, and so solemne a part of Gods worship; knowest thou, thou profligate wretch (who makest no bones of falsifying thy oath) whom thou wrongest? *God*, the *Iudge*, the *Innocent*. Thou offerest a most impudent indignity to God, whose presence thou contemnest; for by thy oath thou callest him to witnesse thy lye, whereby thou both (as much as in thee lyeth) makest God partner in the vntruth, and also callest him to punish thee for it. Thou wrongest the Iudge also, *Quem mentiendo fallis*; for through thy lye, hee not rightly informed (if hee proceede as hee ought) must needes eyther iustifie the wicked, or condemne the Iust. As for the Innocent, *Quem Testimonio ledis*, hee is cleane vndone and vtterly ouerthrowne, and so

the moſt vpright and honourable tryall that any nation hath by the oathes of ſo many, is made the moſt baſe and deſpicable through the ſlighting ſo ſacred a bond: and I doubt not but alſo for *oaths* of this nature, the *Land mourneth*; for how common is it vpon a *Iezebels* letter to finde wicked men that will forſweare themſelues to accuſe *Nabaoth*, or other that with *Doeg*, to pleaſe *Saul* will accuſe *Abimelech* the *Prieſt*, or to ſerue their owne turne with *Ziba* will accuſe faithfull *Mephiboſheth*? It would make a man who knowes the reuerence of an oath, to tremble, to ſee and heare you of the Common ſort, how deſperately, and home yee will ſweare, eſpecially in theſe two Caſes, of *Cuſtome* againſt the *Church*, and

Coppy-

Coppy-hold against the *Lord*; but remember *Prouerbs* 19. 9. *A false witnesse shall not bee vnpunished*; for, *He that iustifieth, &c.*

Thus is the sinner both *Cast* and *Condemned*; there remaines nothing now but *Execution*, which wee referre to the Lord *Chief-Iustice* of all the world, who sits in the great *Starre-Chamber*: and if hee pay them not home at the stubbe, striking them in the very act of iniustice, as hee often doth, yet shall they bee reprieued but for a time, euen to that great and blacke Assises, when euery one shall receiue according to his worke.

Me thinkes I see the corrupted Iudge, the prostituted Lawyer, the suborned witnesse, the plyant Iuryman, with all the Hangbyes

byes and appurtenances to Iniuſtice, together with all thoſe, who hauing bought iuſtice by the lumpe, doe boldly ſell it againe by retayle; Mee thinkes I ſay, I ſee all thoſe at that day, with ghaſtly lookes, and deſpairing hearts, bringing backe and caſting from them their (more then thirty) *pieces*, crying out, *We haue ſinned, in betraying innocent blood.*

But no confeſſion, no nor yet reſtitution ſhall then auayle, much leſſe can any hope of freedome by friends or bribes; *Nec prece nec pretio* ſhal any there eſcape: ſeeing Iuſtice there was neuer yet corrupted, but remaines a *Virgine* glorioufly mounted, ſupported on the one ſide by *Leo* (courage) fearing the face of none; and on the other by *Libra* (equity,) accepting the

perſon

perſon of none. The countenance of the ſeuereſt iudge will not bee ſo fearefull to the guilty priſoner as that day will be to the *Iuſtifier of the wicked*, and *Condemner of the iuſt*; for, *Euen they both are an abomination to the Lord.*

FINIS.